

PBOT

PORTLAND BUREAU OF TRANSPORTATION

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Jo Ann Hardesty Commissioner Chris Warner Director

STAFF REPORT AND RECOMMENDATION TO THE PLANNING AND SUSTAINABILITY COMMISSION

FILE NUMBER: R/W #8924

COMMISSION MEETING TO BE HELD: FEBRUARY 9, 2021, 12:30 PM

I. GENERAL INFORMATION

Street Vacation Request:	Alley between SW McDonnell Terrace & SW Fairmount Blvd
Petitioner:	The street vacation has been initiated by Natasha Armstrong. The Petitioner's representative is Zion Armstrong, 971-276-5859, zion.armstrong@adidas.com .
Purpose:	Vacating the Alley would allow the property owner to consolidate the right-of-way with the abutting property. The vacation would also allow improvements built within the Alley by a previous property owner to remain.
Neighborhood:	SW Hills Residential League
State ID:	1S1E09CD 600
Designation/Zone:	R10 (Residential 10,000)



The City of Portland ensures meaningful access to city programs, services, and activities to comply with Civil Rights Title VI and ADA Title II laws and reasonably provides: translation, interpretation, modifications, accommodations, alternative formats, auxiliary aids and services. To request these services, contact 503-823-5185, City TTY 503-823-6868, Relay Service: 711.

EXHIBIT A

Reppeto & Associates, Inc.
Land Surveyors

12730 SE Stark St.
Plaza 125, Building G
Portland, OR 97233

Phone: 503-408-1507
Fax: 503-408-2370

PROPOSED RIGHT OF WAY VACATION

LEGAL DESCRIPTION

A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 1 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 1, BLOCK 10, REPLAT OF HEALY HEIGHTS, MULTNOMAH COUNTY PLAT RECORDS; THENCE, ALONG THE WESTERLY RIGHT OF WAY LINE OF S.W. FAIRMONT BLVD. SOUTH 27°13'00" WEST, 15.00 FEET TO THE NORTHEASTERLY CORNER OF LOT 13, BLOCK 9, SAID PLAT OF REPLAT OF HEALY HEIGHTS; THENCE ALONG THE NORTHERLY LINE OF SAID LOT 13, NORTH 62°44'00" WEST, 8.11 FEET TO THE SOUTHEASTERLY CORNER OF A TRACT OF LAND VACATED BY CITY ORDINANCE NO. 75866 AND BEING AN ANGLE POINT ON THE NORTHERLY LINE OF THAT TRACT OF LAND CONVEYED BY DEED TO 4236 MCDONNELL LLC AS DESCRIBED IN DOCUMENT NO. 2014-007759, MULTNOMAH COUNTY DEED RECORDS; THENCE, ALONG THE EASTERLY LINE OF SAID VACATED TRACT AND THE NORTHEASTERLY LINE OF SAID MCDONNELL LLC TRACT, NORTH 27°16'00" EAST, 7.00 FEET; THENCE, ALONG THE NORTHERLY LINE OF SAID VACATED TRACT AND THE NORTHERLY LINE OF SAID MCDONNELL LLC TRACT, NORTH 62°44'00" WEST, 35.22 FEET TO THE NORTHWESTERLY CORNER OF SAID VACATED TRACT AND SAID MCDONNELL LLC TRACT, SAID POINT ALSO BEING ON THE EASTERLY RIGHT OF WAY LINE OF S.W. MC DONNELL TERRACE; THENCE, ALONG SAID EASTERLY RIGHT OF WAY LINE, ALONG THE ARC OF A 65.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 7°09'21" (THE CHORD OF WHICH BEARS NORTH 36°51'29" EAST, 8.11 FEET) AN ARC DISTANCE OF 8.12 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 1; THENCE, ALONG THE SOUTHERLY LINE OF SAID LOT 1 SOUTH 62°44'00" EAST, 41.97 FEET TO THE POINT OF BEGINNING.

CONTAINING 399 SQUARE FEET, MORE OR LESS. THIS DESCRIPTION IS BASED ON SURVEY NUMBER 50564, MULTNOMAH COUNTY SURVEY RECORDS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Steven P. Buckles

OREGON
JULY 17, 1986
STEVEN P. BUCKLES
2231

RENEWS: 12-31-17

EXHIBIT B

CURVE DATA

① $R = 65.00'$
 $\Delta = 75^\circ 23' 43''$
 $L = 85.53'$
 $C = 79.49'$
 $CB = N 4^\circ 25' 21'' W$

② $R = 65.00'$
 $\Delta = 7^\circ 09' 21''$
 $L = 8.12'$
 $C = 8.11'$
 $CB = N 36^\circ 51' 29'' E$

③ $R = 65.00'$
 $\Delta = 6^\circ 26' 06''$
 $L = 7.30'$
 $C = 7.30'$
 $CB = N 43^\circ 38' 02'' E$

50564

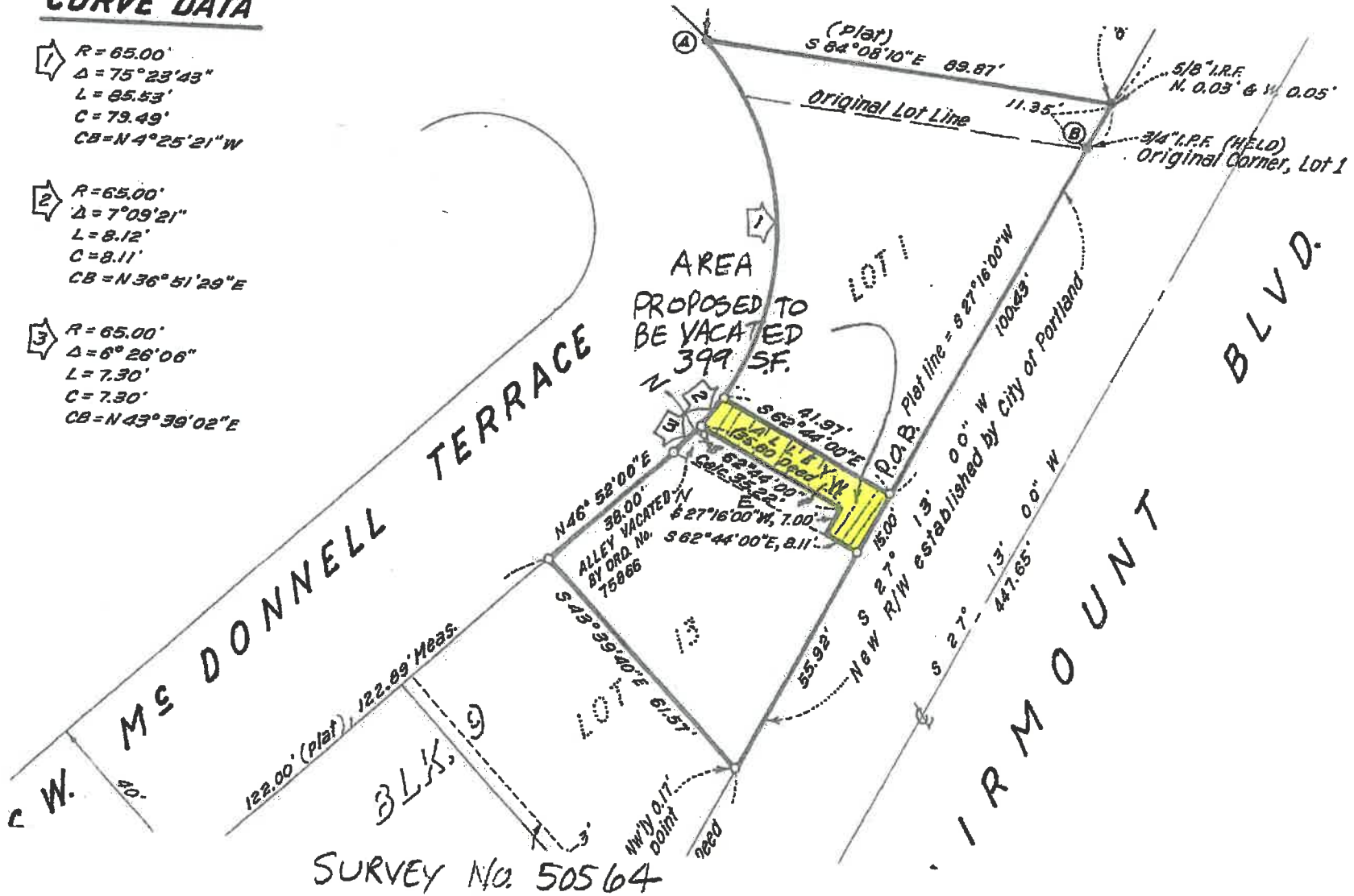


Exhibit C: Aerial Photo





4221

4250

4260

4248

4236

SW McDonnell Ter

4236

4270

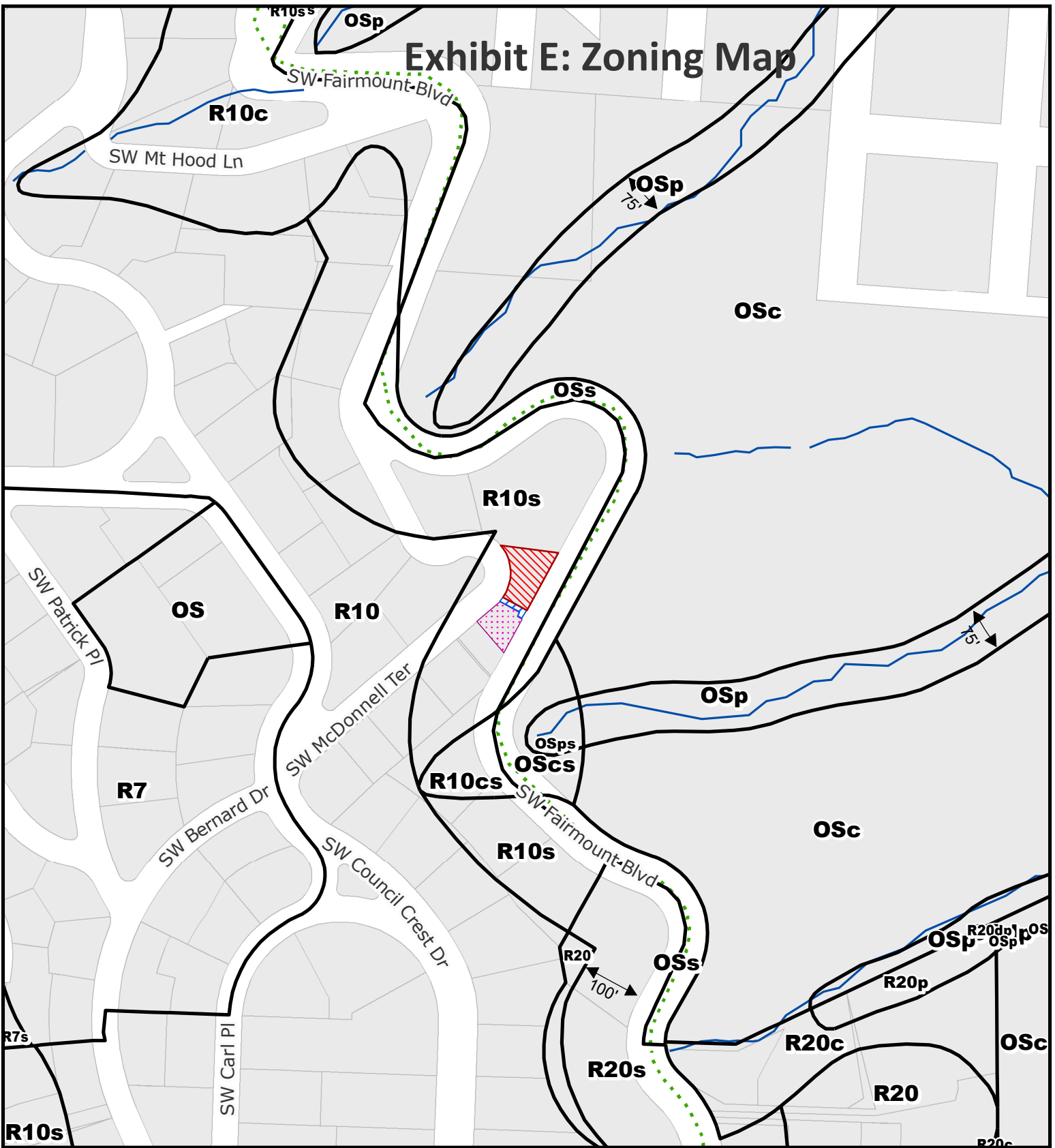
4246

4246






Exhibit D: Right-of-Way
Facing East



Exhibit E: Zoning Map



ZONING 
NORTH

-  Site
-  Street Vacation
-  Also Owned Parcels
-  Stream
-  Recreational Trails

File No.	EA 19-130194 APPT
1/4 Section	3427
Scale	1 inch = 200 feet
State ID	1S1E09CD 600
Exhibit	B Mar 19, 2019

II. FACTS

A. History and Background

The proposed right-of-way to be vacated is an unimproved, unnamed Alley that connects SW McDonnell Terrace with SW Fairmount Boulevard. The right-of-way is approximately 8-feet wide with a steep topography. It is vegetated and does not presently serve a transportation function. The surrounding area consists of single-family homes and properties zoned Open Space.

The properties on both sides of the right-of-way are owned by the same property owner. In 2015, the previous property owner received approval from PBOT for an encroachment permit to construct a retaining wall and stairway in the SW McDonnell right-of-way (Permit No. 15-148987). Outside the scope of that encroachment permit, a deck and concrete retaining wall was built in the Alley right-of-way.

The proposed vacation would consolidate the right-of-way with the adjacent properties and, under conditions listed in section IV., allow for the existing improvements in the right-of-way to remain.

B. Concurrent Land Use Actions

There are no concurrent land use actions at this time.

C. The Transportation Element

In the 2035 Transportation System Plan, the Alley does not have any transportation classifications.

D. Neighborhood Plan

The right-of-way proposed for vacation is not specifically identified for future use in any current neighborhood plans.

III. APPROVAL CRITERIA FINDINGS

Title 17.84.025 Approval Criteria for Vacating Streets

A. In consideration whether the vacation will prejudice the public interest, the Council will consider the following factors, as relevant:

- 1. The area proposed to be vacated is not needed presently, and is not identified in any adopted plan, for public services, transportation functions, utility functions, stormwater functions, view corridors and or viewpoints, tree planting/retention, pedestrian amenities, or community or commercial uses.*

Comment: The portions of the right-of-way proposed for vacation have been identified as not needed for public services, transportation functions, utility functions, stormwater functions, view corridors and or viewpoints, tree planting/retention, pedestrian amenities, or community or commercial uses. This criterion is met.

- 2. The vacation does not prevent the extension of, or the retention of public services, transportation functions, utility functions, stormwater functions, view corridors and/or view points.*

Comment: The proposed vacation does not prevent the extension of, or retention of, public services, transportation and utility functions subject to the conditions identified in IV below. The vacated area is not identified as a view corridor or view point. This criterion is met.

3. *Public services, transportation functions, or utilities can be extended in an orderly and efficient manner in an alternate location.*

Comment: The existing land use and transportation pattern in the area around the proposed street vacation supports the orderly and efficient manner of potential future extension of public services, transportation functions, and utilities subject to the conditions identified in IV below. The right-of-way proposed for vacation is not required for these purposes. This criterion is met.

4. *The vacation does not impede the future best use, development of, or access to abutting property.*

Comment: The area proposed for vacation does not impede the future best use, development of, or access to abutting property. The vacated right-of-way will be consolidated with the abutting properties. This criterion is met.

5. *The area of vacation is not presently, or will not in the future be, needed as part of an interconnected system of public streets that is generally consistent with the street connection and bicycle/pedestrian spacing requirements in section 17.88.040 Through Streets.*

Comment: The right-of-way proposed for vacation would improve pedestrian connectivity if it were improved in the future to include a public stairway. The steep topography and narrow width of the right-of-way, however, precludes the construction of a stairway or other ADA accessible pedestrian connection. Topographical barriers are identified as an allowable exception to connectivity requirements in Title 17.88.040. This criterion is met.

IV. IMPROVEMENT AND UTILITY CONSIDERATIONS

A blanket easement will be reserved over the entire area to be vacated for any utility company that may have facilities. The proposed street vacation request was reviewed by the following bureaus and agencies and is subject to the identified conditions:

PBOT Development Review	No objection
PBOT Right-of-Way Acquisition	No objection
PBOT Parking Control	No objection
PBOT Transportation Planning	No objection
PBOT Permit Engineering	No objection
PBOT Signals & Street Lighting	No objection
PBOT Transportation Systems Management	No objection
PBOT Active Transportation	No objection
PBOT Bridges and Structures	No objection subject to the following conditions: Construct retaining wall to address visible erosion and soil stability issues behind and near the end of the existing reinforced concrete retaining wall along McDonnell Terrace. These erosion and soil stability issues appear to have been caused by development of

	<p>the existing unpermitted private improvements in the right of way in question (Alley). Retaining wall shall be designed by a professional engineer registered in Oregon. Retaining wall shall be designed to AASHTO standards and to the approval of the City Engineer.</p> <p>Improve existing wall drainage system. Existing corrugated wall drainage system appears to outfall onto a steep slope and will likely create erosion and slope stability issues. Wall drainage system shall be designed by a professional engineer registered in Oregon to the approval of the City Engineer and/or the approval of the Director of the Bureau of Environmental Services.</p>
Bureau of Development Services	<p>No objection subject to the following conditions: Petitioner will provide a site survey stamped by an Oregon licensed professional that shows the existing property boundaries, existing Rights-of-Ways (ROW), and the location of site improvements; e.g. retaining walls, decks, drainage discharge, etc. to determine if development is in conformance with the appropriate City development codes (e.g. building and Zoning codes).</p> <p>If it is determined that improvements requiring permit have been made that exceed the scope of currently permitted work, the petitioner must obtain the appropriate development permits (e.g. building permits from BDS and an encroachment permit from PBOT for working within the ROW) to bring the development into conformance with applicable development code requirements.</p> <p style="padding-left: 40px;">a) The street vacation ordinance will be recorded only after final inspection approval of the required permits.</p> <p style="padding-left: 40px;">b) The encroachment permits for development within the current alleyway right-of-way be written to terminate upon recording of the street vacation ordinance</p> <p>If the site survey demonstrates the improvements are constructed within private property, in accordance with approved permits, then the petitioner will be required to demonstrate to the satisfaction of PBOT that the current development is compliant with Chapter 10.30 of the Erosion and Sediment Control Regulations</p>
Portland Water Bureau	No objection
Bureau of Environmental Services	No objection
Portland Fire and Rescue.	No objection
Urban Forestry	No objection
Portland Parks and Recreation	No objection
Bureau of Technology Services Corporate GIS	No objection
TriMet	No objection

Pacific Power	No objection
Comcast	No objection
ODOT	No objection
Port of Portland	No objection
PGE	No objection
CenturyLink	No objection
Northwest Natural	No objection

V. NEIGHBORHOOD RESPONSE

Notice of this proposed street vacation request was provided to the SW Hills Residential League and SW Neighborhoods Inc. No responses were received.

Notice of the Planning and Sustainability Commission meeting was sent to affected properties in the surrounding area.

VI. CONCLUSIONS

Based on the above analysis, Portland Bureau of Transportation states that the right-of-way is not needed to provide future facilities. Additionally, approval of the street vacation will not affect the functional performance of the street system in the area.

VII. TENTATIVE STAFF RECOMMENDATION

The staff recommendation is **approval** of the vacation of the area shown on Exhibit 1, with conditions:

- Prior to recording the street vacation ordinance, the Petitioner shall comply with all conditions set forth in IV. above.

The Portland Bureau of Transportation staff may revise this recommendation upon receipt of new information at any time prior to the Planning and Sustainability Commission's recommendation.

VIII. EXHIBITS

- A. Legal Description
- B. Area proposed for vacation
- C. Aerial photos
- D. Street View Photo: Alley right-of-way looking east
- E. Zoning Map

Bureau of Transportation Staff Planner
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 503/823-6127
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cc: Dee Walker, Right-of-Way Case Manager